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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,281	04/12/2000	Hagen Schempf	99146	4983

7590 06/19/2002

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EXAMINER

HOOK, JAMES F

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/547,281

Applicant(s)

Schempf et al.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 25, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-21, and 23-72 is/are pending in the application.
- 4a) Of the above, claim(s) 2-11, 21, and 23-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 12, and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4,519
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election of figure 2F in Paper No. 12 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, as best understood by the examiner, claims 1, 12, and 14-20 read on the elected species.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Smart (783). The patent to Smart discloses the recited multi-module pipe repair/inspection device comprising a base module 12, a module 13 which can be provided with stabilizers 40, a traction module 11 which can include a motor 20 to move the device, a microprocessor provided in the base module, sensors can be provided in various modules including a sensor module 14, and where all the modules are connected by flexible joints that have electrical connections so the modules can talk to one another.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smart (783) in view of Penza. The patent to Smart discloses all of the recited structure with the exception of providing a brush module formed with a centrifugal spring biased inward array of brushes and a camera. The patent to Penza discloses the recited pipe repair/inspection device comprising a brush module 2 which can be made of steel, and can comprise stabilizers and wheels 3, and a spinning brush head 250 that is provided with radially extending brushes in an array where the brushes are connected by springs to the body to hold the brushes out of contact

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with the pipe and when the body spins the centrifugal force overcomes the spring force allowing the brushes to contact the wall of the pipe, and where a camera or sensing device can be provided to monitor the pipe and various operations. It would have been obvious to one skilled in the art to modify the device in Smart by providing a brush module with a camera and spring biased brushes to allow for the cleaning away of debris inside the pipe and for inspecting the pipe as suggested by Penza.

6. Claims 1, 12, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penza in view of Smart. The patent to Penza discloses all of the recited structure with the exception of providing separate modules to perform the tasks of locomotion, stabilizing, sensing and control, and providing a microprocessor to control the device. It would have been obvious to one skilled in the art to modify the device in Penza by providing separate modules for sensors, locomotion, control, and stabilizing the device to allow the device to have all these components yet be more flexible in that it would be made of smaller linked parts, and to provide a microprocessor to allow the device to act more on its own as suggested by Smart.

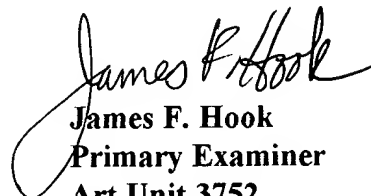
### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Amelung, Van Koevering, Sullins, Martin, Weber, Fournot, Johansen, Eriksson, and Rostamo disclosing state of the art pipe repair and inspection devices.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Hook whose telephone number is (703) 308-2913.

J. Hook  
June 17, 2002

  
**James F. Hook**  
**Primary Examiner**  
**Art Unit 3752**